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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,431	12/27/2001	Steve J. McKinnon	7000-062	1726

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EXAMINER
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HOSSAIN, TANIM M

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,431

Applicant(s)

MCKINNON ET AL.

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 11-22, 25-34, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer (2002/143876).

As per claims 1-8, 11-22, 25-34, 37, and 38, Boyer teaches:

1. A method comprising:
  - a) receiving state information bearing on presence of a user, wherein receiving occurs at at least one presence detection system (paragraph 0032);
  - b) creating service logic based on the state information, the service logic created at the at least one presence detection system and configured to instruct an associated presence service to control communications associated with the user based on the presence of the user (0033-0038, 0041); and providing the service logic to the presence service (0032, 0041).

2. The method of claim 1 wherein the presence of the user relates to at least one of the group consisting of physical presence, availability, and status of the user or a device associated with the user (0032).
3. The method of claim 1 wherein the service logic is configured to instruct the presence service to register a first communication device associated with the user to receive communications when the state information is a first state (0036, 0038, 0041).
4. The method of claim 3 wherein the service logic is configured to instruct the presence service to register a second communication device associated with the user to receive communications when the state information is a second state (0041).
5. The method of claim 1 wherein the state information is provided to the associated presence service with the service logic (0170).
6. The method of claim 1 wherein the state information indicates whether a screen saver is active or inactive (0041).
7. The method of claim 1 wherein the state information indicates whether the user is using a device (0032).

8. The method of claim 1 wherein the state information indicates whether a device associated with the user is activated (0032).
11. The method of claim 1 wherein the service logic is active and therefore configured to cause the presence service to immediately react in a manner to control communications associated with the user (0041, 0071-0075).
12. The method of claim 1 wherein the service logic is passive and therefore configured to cause the presence service to react in a manner to control communications associated with the user upon the associated presence service reacting to a request bearing on communications with the user (0031, 0041).
13. The method of claim 1 further comprising executing the service logic at the associated presence service to control communications associated with the user (0041).
14. The method of claim 13 wherein the executing step further comprises controlling the communications associated with the user based on the service logic in response to an application attempting to communicate with the user (0041).

Claims 15-22, 25, and 26; and claims 27-34, 37, and 38 are rejected on the same bases as claims 1-8, 11, and 12 respectively, as the claims in question constitute a system and medium for the implementation of the method of claims 1-8, 11, and 12 respectively.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 23, 24, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer in view of McDowell (2002/0035605).

As per claim 9, Boyer teaches the method of claim 1, but does not specifically teach the state information indicating whether the user is physically present in an area. McDowell teaches the use of a GPS system to locate whether a user is physically present in an area (paragraph 0010). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to monitor a user's whereabouts, as taught by McDowell in the system of Boyer. The motivation for doing so lies in the fact that using a GPS system, in addition to the variety of methods to investigate the user's presence would add further diversity to Boyer's invention. Both inventions are from the same field of endeavor, namely the easy communication between users, utilizing a presence detection system.

As per claim 10, Boyer teaches the method of claim 1, but does not specifically teach the state information indicating whether the user is physically proximate to a device. McDowell teaches the use of a GPS system to locate whether a user is physically present in an area, and thus proximate to a device (paragraph 0010). It would have been obvious to one of ordinary skill

in the art at the time of the invention to include the ability to monitor a user's whereabouts, as taught by McDowell in the system of Boyer. The motivation for doing so lies in the fact that using a GPS system, in addition to the variety of methods to investigate the user's presence would add further diversity to Boyer's invention. Both inventions are from the same field of endeavor, namely the easy communication between users, utilizing a presence detection system.

Claims 23, 24, and 35, 36 are rejected on the same bases as claims 9 and 10, as the claims in question constitute a system and medium of implementing the method of claim 9 and 10 respectively.

### *Response to Arguments*

Applicant's arguments filed on June 1, 2005 have fully been considered.

- a. Rejection under 35 U.S.C. § 112, second paragraph has been withdrawn in light of applicant's traversal.
- b. Rejection under 35 U.S.C. § 101 has been withdrawn in light of the amended claims.
- c. The creation and execution of service logic in a system, to control a certain process in that system, is an inherency, native to any client-server system. Any computer process, in which communication flows a certain way, as a result of some criteria, employs the use of service logic to achieve that end. Additionally, even if service logic were not a global trait of computer function, a point the examiner does not concede, the specifically disclosed use of service logic in the SPFS would constitute the use of service logic as a whole, as the SPFS is part of the system.

d. Motivation to combine the references of Boyer and McDowell does exist, as both inventions attempt to solve a similar problem. Boyer's invention highlights a system to effectively track fellow users and employs a method to best contact these users based on their respective locations. McDowell's invention also employs a similar system to track fellow users to communicate with them effectively, where the use of GPS is a feature. Because Boyer and McDowell seek to solve the same problem, and because the use of GPS would add effectiveness to achieve the goal of Boyer's invention, the combination of the features of the two inventions would have been obvious to one of ordinary skill in the art.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain  
Patent Examiner  
Art Unit 2145

  
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SUPERVISORY PATENT EXAMINER